

Message Text

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ACTION OES-07

INFO OCT-01 ARA-10 ISO-00 ACDA-12 AGRE-00 AID-05
CEA-01 CEQ-01 CG-00 CIAE-00 COME-00 DLOS-09
DODE-00 DOTE-00 EB-08 EPA-01 SOE-02 DOE-11 FMC-01
TRSE-00 H-01 INR-07 INT-05 IO-13 JUSE-00 L-03
NSAE-00 NSC-05 NSF-01 OMB-01 PA-01 PM-05 PRS-01
SP-02 SS-15 USIA-06 /135 W
-----041490 270216Z /70

R 252255Z JAN 78

FM AMEMBASSY QUITO
TO SECSTATE WASHDC 7073
INFO AMEMBASSY LIMA
AMEMBASSY MEXICO
AMEMBASSY SAN JOSE
AMEMBASSY SANTIAGO
AMCONSUL GUAYAQUIL

C O N F I D E N T I A L SECTION 1 OF 2 QUITO 00509

E.O. 11652: GDS

TAGS: PLOS EFIS PFOR EC

SUBJ: CONSULTATIONS WITH GOE ON A REGIONAL FISHERIES AGREEMENT

REF: A) QUITO 0340; B) STATE 11471; C) STATE 292193

SUMMARY: A USG FISHERIES TEAM CONSULTED WITH MFA OFFICIALS ON JAN 20 REGARDING A NEW TREATY ARRANGEMENT AND ORGANIZATION FOR THE CONSERVATION AND FISHING OF TUNA IN THE EASTERN PACIFIC. MFA OFFICIALS SAID GOE WISHES TO PARTICIPATE IN ANY NEW TUNA ARRANGEMENT. GOE FEELS IT MUST PROTECT ITS CLAIMED 200 MILE TERRITORIAL SEA IN ANY TREATY ON TUNA, BUT MFA OFFICIALS STRESSED THAT GOE DOES NOT REGARD THE PROPOSED TREATY AS A MEANS TO PROMOTE ITS JURIDICAL POSITION. MFA OFFICIALS EMPHASIZED NEED FOR ADEQUATE PREPARATIONS FOR SUCCESSFUL NEGOTIATING SESSIONS, AND GOE THEREFORE DOES NOT WANT NEXT SESSION ON REGIONAL AGREEMENT TO BE HELD UNTIL
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AFTER NEXT LOS MEETING IN GENEVA. GOE IS SO INFORMING THE GOVERNMENT OF MEXICO. BECAUSE OF TERRITORIALIST JURIDICAL POSITION, GOE INSISTS THAT TREATY RATIONALE MUST BE CONFINED TO CONSERVATION AND THAT THE STRUCTURE OF NEW TUNA ORGANIZATION AND REGIME MUST BE SUCH AS NOT TO DAMAGE 200 MILE TERRITORIALIST CLAIM. A MAJOR PROBLEM AREA FOR NEGOTIATION WILL BE THE SYSTEM FOR ISSUANCE OF

FISHING LICENSES. US. DELEGATION FELT THAT USG AND GOE POSITIONS ON THE CONTENT OF A FUTURE TREATY ARE GROWING CLOSER, AND THAT CAREFUL STUDY AND SKILLFUL DRAFTING COULD OVERCOME MANY DIFFERENCES. US. DELEGATION ALSO EXPRESSED BELIEF THAT AN ACTIVE GOE COULD REPRESENT A WELCOME BALANCE TO GOM IN FUTURE NEGOTIATIONS. END SUMMARY.

1. A USG DELEGATION LED BY AMBASSADOR BLOOMFIELD (ON HIS LAST DAY IN QUITO) AND COMPOSED OF CARMEN BLONDIN, ASSISTANT DIRECTOR FOR INTERNATIONAL FISHERIES ON THE NATIONAL MARINE FISHERIES SERVICE OF THE DEPARTMENT OF COMMERCE, CHARLES FINAN, ALTERNATE DIRECTOR OF ARA/RPP, AND BRIAN HALLMAN, OES/OFA, MET IN QUITO ON JAN 20 WITH MINISTRY OF FOREIGN AFFAIRS (MFA) OFFICIALS FOR INFORMAL CONSULTATIONS ON A NEW TUNA AGREEMENT FOR THE EASTERN PACIFIC. AMBASSADOR LUIS PONCE ENRIQUEZ, ADVISOR ON TERRITORIAL SOVEREIGNTY AND MFA'S SENIOR OFFICER ON LAW OF THE SEA AND FISHERIES, HEADED THE MFA TEAM. AMBASSADOR ALFREDO LUNA TOBAR, THE DIRECTOR GENERAL OF NATIONAL SOVEREIGNTY, AND PATRICIO PLAACIOS CEVALLOS, THE DIRECTOR OF THE DEPARTMENT OF MARITIME AND AERIAL SOVEREIGNTY, WERE THE OTHER TWO PARTICIPANTS FROM MFA. DCM CORR AND POLITICAL CHIEF SUTTON ALSO ATTENDED.

2. THE TWO AND ONE-HALF HOUR MEETING WAS EXTREMELY CORDIAL AND PRODUCTIVE. DISCUSSION FOLLOWED THE OUTLINE OF AN CONFIDENTIAL

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MFA AIDE MEMOIRE (DATED JAN. 19) PREPARED IN RESPONSE TO AN AIDE MEMOIRE (DATED DEC. 16 AND BASED ON REF. C) LEFT BY AMBASSADOR BLOOMFIELD IN A CALL ON DEC. 16 ON THE FOREIGN MINISTER. THE AIDE MEMOIRES DEALT PRINCIPALLY WITH THE WORKING DOCUMENT THAT THE GOVERNMENT OF MEXICO AND COSTA RICA PRESENTED TO THE SAN JOSE CONFERENCE, ENTITLED "PRINCIPLES TO BE INCORPORATED IN A TREATY FOR THE CONSERVATION AND INTERNATIONAL ADMINISTRATION OF TUNA IN THE EASTERN PACIFIC." MUCH OF WHAT MFA OFFICIALS SAID IN THE MEETING WAS REPETITIOUS OF THE MFA AIDE MEMOIRE, BUT WITH ADDED EMPHASIS ON GOE'S DESIRE TO REACH A NEW AGREEMENT ON TUNA AND ASSURANCES THAT, THOUGH IT WOULD BE DIFFICULT, THE PRACTICAL END OF CONSERVING TUNA AND HAVING A RATIONAL ARRANGEMENT FOR FISHING TUNA COULD BE ACHIEVED WHILE RESPECTING COASTAL STATES' CLAIMED SOVEREIGN RIGHTS. COPIES OF BOTH AIDE MEMOIRES ARE BEING POUCHED TO ARA/AND/E AND OES/OFA.

3. THE GOE, BECAUSE OF ITS TERRITORIALIST POSITION, BELIEVES THAT THE SOLE RATIONALE FOR IT TO ENTER INTO A REGIONAL ARRANGEMENT ON TUNA IS CONSERVATION. THE WORDS "INTERNATIONAL ADMINISTRATION" WHEN APPLIED TO ITS CLAIMED

TERRITORIAL WATERS GIVE THE GOE MUCH DIFFICULTY, ALTHOUGH
ECUADOR WILL BE ABLE TO ACCEPT SOME ENFORCEMENT MEASURES
AS THEY REFER TO AN ARE CIRCUMSCRIBED AND LIMITED TO
CONSERVATION.

4. MFA OFFICIALS ASSERTED THAT THE ZONE OF APPLICATION
OF A TREATY MUST COVER ALL WATERS NECESSARY TO CONSERVE
TUNA, REGARDLESS OF AREAS CLAIMED FOR JURISDICTION AND
SOVEREIGNTY BY COASTAL STATES. SPECIFICALLY, THE ZONE
CANNOT BE LIMITED TO THE AREA FROM TWELVE MILES FROM THE
COAST, AND IT SHOULD COVER THE ENTIRE PACIFIC WHERE FISH
COVERED BY THE TREATY MIGRATE. THE US. DELEGATION EM-
PHASIZED THE IMMEDIATE NEED TO ATTAIN EFFECTIVE CONTROLS
OVER YELLOW-FIN TUNA (AS OPPOSED TO SKIPJACK) AND THAT
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TRYING TO EMBRACE AN OVERLY EXTENSIVE AREA COULD COMPLI-
CATE NEGOTIATIONS BY BRINGING FAR-AWAY STATES INTO THE
TREATY ZONE.

5. ECUADOR INSISTS THAT ONLY THE COASTAL STATE, AS THE
SOVEREIGN OWNER OF ITS RESOURCES WITHIN THE 200 MILE
COASTAL, CAN SET QUOTAS WITHIN ITS ZONE, DETERMINE WHO
CAN FISH THERE, ISSUE LICENSES FOR FISHING IN ITS ZONE,
AND MAKE THE OFFICIAL VERIFICATION OF UNLOADINGS OF FISH
IN ITS PORTS.

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TRSE-00 H-01 INR-07 INT-05 IO-13 JUSE-00 L-03
NSAE-00 NSC-05 NSF-01 OMB-01 PA-01 PM-05 PRS-01
SP-02 SS-15 USIA-06 /135 W
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R 252255Z JAN 78
FM AMEMBASSY QUITO
TO SECSTATE WASHDC 7074

INFO AMEMBASSY LIMA
AMEMBASSY MEXICO
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AMCONSUL GUAYAQUIL

C O N F I D E N T I A L SECTION 2 OF 2 QUITO 0509

THE COASTAL STATE ALSO CAN SET ASIDE EX-
CLUSIVE FISHING ZONES FOR ITS NATIONALS (AS ECUADOR HAS
DONE). AT THE SAME TIME, MFA OFFICIALS STATED STRONGLY
THEIR BELIEF THAT THE GOE POSITION SHOULD NOT PREVENT
ATTAINMENT OF AN EFFECTIVE TREATY, WHICH IN PRACTICE
WOULD MEET THE NEEDS OF ALL PARTICIPATING STATES. MFA
OFFICIALS ASSURED US. DELEGATION THAT WITH RESPECT TO
QUOTAS, FOR INSTANCE, BY THE VERY ACT OF SIGNING THE
TREATY COASTAL STATES WOULD BE OBLIGED TO SET QUOTAS
CONSISTENT WITH THE RECOMMENDATIONS OF THE TREATY OR-
GANIZATION FOR THEIR 200 MILE ZONES. THE ESSENTIAL
FACTOR TO THE GOE IS THAT THE COASTAL STATES PROMULGATE
THE QUOTAS FOR THEIR ZONES. WITH RESPECT TO VERIFICATION
OF UNLOADINGS OF FISH, THE TREATY ORGANIZATION COULD HAVE
AN OBSERVER PRESENT BUT THE OFFICIAL RECORDINGS OF
STATISTICS MUST BE DONE BY COASTAL STATE AUTHORITIES.

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6. IT WAS ON THE ISSUE OF LICENSES THAT THE GREATEST
DIFFICULTY WAS ENCOUNTERED, BUT HERE, TOO, MFA OFFICIALS
EXPRESSED OPTIMISM THAT AN ACCEPTABLE FORMULA COULD BE
FOUND. THERE WAS SOME DISCUSSION OF A DOUBLE SYSTEM OF
LICENSES IN WHICH BOTH THE COASTAL STATES AND THE TREATY
ORGANIZATION WOULD ISSUE LICENSES, WITH THE ORGANIZATION'S
LICENSES BEING SIMILAR TO THE CURRENT MATRICULA REQUIRED
BY THE GOE AND ALSO COVERING FISHING ON THE HIGH SEAS.
THE GOE WOULD BE WILLING TO ESTABLISH UNIFORM FEES AND
CONDITIONS FOR LICENSES GRANTED BY COASTAL STATES.

7. WITH RESPECT TO VOTING, THE GOE PREFERS A COASTAL STATE
VETO RATHER THAN AN UNANIMOUS VOTE. MFA OFFICIALS ARGUED
THAT THE UNANIMOUS VOTE WOULD MAKE IT MORE DIFFICULT TO
OBTAIN DECISIONS AND MAKE THE ORGANIZATION LESS FLEXIBLE.

8. THE ECUADOREAN OFFICIALS STRESSED THEIR DESIRE THAT
THE NEXT NEGOTIATING SESSION ON THE MEXICAN/COSTA RICAN
PROPOSAL BE HELD AFTER THE GENVA LOS MEETING. THEY
STATED THAT DEVELOPMENTS IN THE GENEVA MEETING ABOUT THE
RIGHTS OF COASTAL STATES AND ABOUT HIGHLY MIGRATORY SPECIES
COULD GREATLY AFFECT NEGOTIATION OF THE REGIONAL ARRANGE-
MENT. THEY ALSO STATED THAT THE GOE DID NOT HAVE A

SUFFICIENT NUMBER OF COMPETENT OFFICIALS TO PREPARE FOR AND ATTEND ALL THE INTERNATIONAL MEETINGS SCHEDULED DURING THE NEXT FEW MONTHS, AND THAT THEY DID NOT THINK A MEETING SHOULD BE HELD WITHOUT ADEQUATE PREPARATION. THE GOE SAID IT INTENDED TO MAKE REPRESENTATION TO THE GOM ON THIS MATTER WHEN MEXICAN AMBASSADOR CASTENEDAS VISITED QUITO FOR CONSULTATIONS THE FOLLOWING WEEK.

9. COMMENT: THE USG DELEGATION FELT THAT ALTHOUGH THERE WERE SERIOUS DIFFERENCES BETWEEN THE USG AND GOE, DERIVING
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PRIMARILY FROM ECUADOR'S TERRITORIAL SEA POSITION, MANY OF THESE COULD BE OVERCOME BY FINDING THE PROPER MECHANISMS AND THROUGH SKILLFUL DRAFTING. THE QUESTION OF LICENSES SEEMED PARTICULARLY TROUBLESOME. THE USG DELEGATION MEMBERS RCPTRDDRF THE VIEW TO EMBOFFS THAT THE USG AND GOE ARE CLOSE ON A NUMBER OF ISSUES AND THAT THE USG PROBABLY WILL BE MOVING EVEN CLOSER IN PRACTICE TO THE ECUADOREAN POSITION. THEY ALSO THOUGHT THAT ECUADOR COULD BE A USEFUL COUNTER TO MEXICO IN FUTURE NEGOTIATIONS OF A REGIONAL AGREEMENT ON THE CONSERVATION OF TUNA.

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